judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone.

Dated: February 28, 1995.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart O—Illinois

Section 52.741 is amended by adding a new paragraph (x)(7) and revising paragraph (z)(4) as follows:

§ 52.741 Control strategy: Ozone control measures for Cook, DuPage, Kane, Lake, McHenry, and Will Counties.

* * * * *

(x) * * *

(7) The control, recordkeeping, and monitoring requirements in this paragraph apply to the aluminum rolling mills at the Reynolds Metals Company's McCook Sheet & Plate Plant in McCook, Illinois (Cook County) instead of the control requirements and test methods in the other parts of paragraph (x), and the recordkeeping requirements in paragraph (y) of this section. All of the following requirements must be met by Reynolds on and after July 7, 1995.

(i) Only organic lubricants with initial and final boiling points between 460 degrees F and 635 degrees F, as determined by a distillation range test using ASTM method D86–90, are allowed to be used at Reynolds' aluminum sheet cold rolling mills numbers 1 and 7. All incoming shipments of organic lubricant for the number 1 and 7 mills must be sampled and each sample must undergo a distillation range test to determine the initial and final boiling points using ASTM method D86–90. A grab rolling lubricant sample shall be taken from each operating mill on a monthly basis and each sample must undergo a distillation range test, to determine the initial and final boiling points, using ASTM method D86–90.

(ii) An oil/water emulsion, with no more than 15 percent by weight of petroleum-based oil and additives, shall be the only lubricant used at Reynolds' aluminum sheet and plate hot rolling mills, 120 inch, 96 inch, 80 inch, and 145 inch mills. A grab rolling lubricant sample shall be taken from each operating mill on a monthly basis and each sample shall be tested for the percent by weight of petroleum-based oil and additives by ASTM Method D95–83.

(iii) The temperature of the inlet supply of rolling lubricant for aluminum sheet cold rolling mills numbers 1 and 7 shall not exceed 150 °F, as measured at or after (but prior to the lubricant nozzles) the inlet sump. The temperature of the inlet supply of rolling lubricant for the aluminum sheet and plate hot rolling mills, 120 inch, 96 inch, 80 inch, and 145 inch mills shall not exceed 200 °F, as measured at or after (but prior to the lubricant nozzles) the inlet sump. Coolant temperatures shall be monitored at all the rolling mills by use of thermocouple probes and chart recorders or electronic data recorders.

(iv) All distillation test results for cold mill lubricants, all percent oil test results for hot mill lubricants, all coolant temperature recording charts and/or temperature data obtained from electronic data recorders, and all oil/water emulsion formulation records, shall be kept on file, and be available for inspection by USEPA, for three years.

* * * * *

(z) * * *

(4) 40 CFR 52.741(e), only as it applies to Riverside Laboratories Incorporated, is stayed from June 12, 1992, until USEPA completes its reconsideration for Riverside.

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[FR Doc. 95–6002 Filed 3–9–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 63

[FRL–5170–1]

Approval of Delegation of Authority; National Emission Standards for Hazardous Air Pollutants; Coke Oven Batteries; Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is granting delegation of authority to the State of Utah to implement and enforce the National Emission Standards for Coke Oven Batteries. The Governor of Utah requested delegation from EPA Region VIII in a letter dated August 18, 1994. EPA has reviewed the application and has reached a decision that the State of Utah has satisfied all of the requirements necessary to qualify for approval of delegation. The effect of this action allows the State of Utah to implement and enforce Clean Air Act standards for coke oven batteries.

DATES: This action is effective May 9, 1995 unless adverse comments are received by April 10, 1995. If the effective date is delayed due to comments, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be submitted to Patricia D. Hull, Director, Air, Radiation & Toxics Division, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466 and concurrently to Russell A. Roberts, Director, Division of Air Quality, Department of Environmental Quality, 1950 West North Temple, Salt Lake City, Utah 84114–4820. A docket containing State of Utah's submittal is available for public inspection during normal business hours at the above locations.

FOR FURTHER INFORMATION CONTACT: T. Scott Whitmore at (303) 293–1758.

SUPPLEMENTARY INFORMATION:

Background

The 1990 Amendments to the Clean Air Act provide a congressional mandate to establish emission standards regulating coke oven emissions. Under section 112(d)(8), the EPA must promulgate standards based on specified minimum requirements and work practice regulations. On October 27, 1993, the EPA met this requirement by promulgating in the **Federal Register** (58 FR 57534) the national standards for coke oven emissions. The standard applies to all existing coke oven batteries, including by-product and nonrecovery coke oven batteries, and to all new coke oven batteries constructed on or after December 4, 1992.

On August 18, 1994 the Governor of Utah requested delegation of authority to implement and enforce 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries. Prior to this request, the State of Utah implemented the criteria for delegation as described in 40 CFR 63.91(b), *Criteria common to all approval options.* Criteria for approval to delegate include a written finding by the State Attorney General that the State has the necessary legal authority to implement and

enforce the rule; state statutes, regulations, and other provisions that contain the appropriate authority to implement and enforce the rule, a demonstration of adequate resources, a schedule demonstrating expeditious implementation of the rule, and a plan that assures expeditious compliance by all sources subject to the rule. Utah, concurrently with its request for delegation, submitted documentation demonstrating it meets the criteria necessary for granting approval.

As required by 40 CFR 63.91(a)(2), the EPA is seeking public comments for 30 days. The comments shall be submitted concurrently to the State of Utah and to EPA. The State of Utah can then submit a response to the comments to EPA.

EPA is approving the State of Utah's request for delegation as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to this rule, this **Federal Register** notice will serve as the final notice of the approval to delegate the implementation and enforcement of this program. The effective date will be 60 days from the date of this publication and no further activity will be contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the accompanying proposed rule which appears in the Proposed Rule Section of this **Federal Register**. However, EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

Final Action

Through review of the documentation submitted to EPA and knowledge of Utah's implementation activities for these standards, EPA has determined that the State of Utah meets all of the statutory and regulatory requirements established by Section 112 of the Clean Air Act, as amended in 1990, and 40 CFR Part 63 for the implementation and enforcement of the National Emission Standards for Coke Oven Batteries. Therefore, pursuant to Section 112(l) of the Clean Air Act, as amended in 1990, 42 U.S.C. 7412(l), and 40 CFR Part 63, EPA hereby delegates its authority to the State of Utah for the implementation and enforcement of the National Emission Standards for Coke Oven Batteries for all sources located, or to be located in the State of Utah.

Please note that not all authorities for the NESHAP can be delegated to the state. The EPA Administrator retains authority to implement those portions of the national emission standards and their general provisions that require approval of equivalency determinations and alternative test methods, decision-making to ensure national consistency, and EPA rulemaking to implement. Sections not delegable include, but are not limited, to the authorities listed as not delegable in 40 CFR part 63, subpart L, under Delegation of Authority.

As these National Emission Standards for Coke Oven Batteries are updated, Utah should revise its rules and regulations accordingly and in a timely manner.

EPA retains concurrent enforcement authority. If at any time there is a conflict between the state and federal regulations, the federal regulations must be applied if they are more stringent than the state regulations.

Effective May 9, 1995 all notices, reports, and other correspondence required under 40 CFR part 63, subpart L, should be sent to the State of Utah rather than to EPA Region VIII, Denver, Colorado.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Intergovernmental relations.

Authority: 42 U.S.C. 7412.

Dated: February 23, 1995.

Kerrigan Clough,

Acting Regional Administrator, Region VIII.

[FR Doc. 95–5978 Filed 3–9–95; 8:45 am]

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40 CFR Part 70

[NM002; FRL–5169–6]

Clean Air Act Interim Approval of Operating Permits Program; City of Albuquerque Environmental Health Department, Air Pollution Control Division

AGENCY: Environmental Protection Agency (EPA).

ACTION: Informational notice.

SUMMARY: The EPA published without prior proposal a **Federal Register** (FR) notice promulgating interim approval of the operating permits program submitted by the New Mexico Governor's designee, Mr. Lawrence Rael, for the City of Albuquerque as Chief Administrative Officer, and for Bernalillo County as the administrative head of the Albuquerque/Bernalillo County Operating Permits Program, for the purpose of complying with the Federal requirements of an approved program to issue operating permits to all major stationary sources, and to certain other sources with the exception of Indian Lands. This submittal for the operating permits program was made by the City of Albuquerque on April 4, 1994. EPA's direct final approval was published on January 10, 1995 (60 FR 2527).

The EPA subsequently received comments from the American Forest and Paper Association (AF&PA) on the action. Two comments were received from this commenter: one with respect to the definition of ''Title I modification'' and the other regarding the implementation of section 112(g). A letter from National Environmental Development Association/Clean Air Regulatory Project was received by the EPA approximately two weeks after the close of the public comment period. That letter set out the same comments expressed by the AF&PA, and will be added to the EPA's docket for the approval of the Albuquerque Operating Permits Program although not discussed further in this notice.

With respect to the definition of Title I modification, the AF&PA noted that the Albuquerque definition of ''Title I modification'' does not include changes reviewed under a minor source preconstruction review program (''minor NSR changes''). AF&PA stated its belief that this was consistent with the relatively narrow definition of Title I modification which AF&PA believed is contained in the current Part 70 rules. The AF&PA also noted that EPA has recently proposed changing its current definition of ''Title I modification'' to expressly include virtually any change that constitutes a modification under any provision of Title I of the Act. 59 FR 44572 (August 29, 1994). The AF&PA noted that EPA in prior months had conditioned either interim or full approval of several States' operating permit programs on the adoption of such a definition, which is broader than that contained in the Albuquerque Operating Permits Program. However, the AF&PA noted that EPA was now taking no position on the Albuquerque Operating Permits Program definition of ''Title I modification'' as grounds for either interim approval or disapproval of the program. The AF&PA in its comments stated that it supports this new approach by EPA of not taking a position on Albuquerque's narrower definition.

Because this comment is not adverse to the position taken by EPA in its Direct Final Rule approving the Albuquerque Operating Permits Program, it does not require the withdrawal of the Direct Final Rule